

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

08 SEP -4 AM 10:22

CLERK ALBUQUERQUE

6:69-cv-07941-BB

RIO CHAMA STREAM SYSTEM
Rito de Tierra Amarilla, Section 7

ANSWER TO COMPLAINT FOR ADJUDICATION OF WATER RIGHTS

COMES NOW _____ (please print your full name)
JOE R. MAESTAS

and answers the complaint as follows:

Subfile No

CHTA-001-0004

Object



Claim No Right



1. In answer to Complaint: For each subfile listed above, please **initial** in one of the two boxes to indicate whether you object to the description of water right(s) contained in the State's proposed Consent Order, or whether you make no claim as to the water right(s) described in the State's proposed Consent Order.

If you object to the description of water right(s) and reject the State's proposed Consent Order, or if you make no claim as to the water right(s) set forth in the State's proposed Consent Order for any of the Subfile Numbers listed above, for each such Subfile Number please explain in the appropriate spaces below.

I object to the description of the water right(s) described by Subfile Number(s) CHTA-001-0004
Mr. Ed Newville, I am sorry for returning this because
form late, due to the fact that I have been in and out
of the Veterans Administration hospital in Albuquerque, N.M.

OSE LEGAL SERVICES DIVISION

DATABASE UPDATED 8/4/08

C

The reason I object to the decision is because during the field inspection no ditch laterals or signs of irrigation ^{were found} due to the fact that the ditch laterals ran close to the bottom of the north slope and all signs have more than likely been filled in due to years of constant erosion. The diversion system is located on the property located east of ours. I would like to be able to irrigate not only to grow grass for cattle but also to provide food for all wildlife

(Attach additional pages if necessary)

I made a good faith effort to resolve my disagreement with the State's proposed Consent Order by

(Attach additional pages if necessary)

I claim no right for the water right(s) described by Subfile Number(s) _____ because

(Attach additional pages if necessary)

during the times of irrigation my family
lived on the property, once they passed or became
older they were not able to maintain the ditch
or irrigate lack of interest on prior generations
also ~~that~~ compounded the problem. I myself
have been trying my best to improve the land
as I can

2. I understand that by making this claim and filing this document I am not waiving my rights to later raise, in an Amended Answer, any jurisdictional or affirmative defenses I may have.

Dated: 7-28-08

Joe R. Maestas

(Signature - JOE R. MAESTAS)

JOE R. MAESTAS

P.O. Box 1024

Escondido, N.M. 87532

(Address: Print Clearly)

505-753-7873

(Phone Number: Print Clearly)

IMPORTANT: If you have been served with a summons and copy of the complaint in this action, or if you have waived service of process, you must file an answer in the United States District Court for the District of New Mexico within 20 days after being served with the summons and complaint, or if service of the summons has been timely waived on request under rule 4(d), within 60 days after the date when the request for waiver was sent, or within 90 days after that date if the defendant was addressed outside any judicial district of the United States. Any right you may have to use waters of the stream system may be adjudicated by default judgment in conformity with the State's proposed Consent Order if you fail to file an answer. The court's address is: 333 Lomas NW, Suite 270, Albuquerque, NM 87102, or P.O. Box 2384, Santa Fe, NM 87504. A copy of the answer filed with the district court must also be sent to the Office of the State Engineer, Legal Services Division, P.O. Box 25102, Santa Fe, NM 87504-5102.